

17439 U.S. PTO  
07/15/03

Practitioner's Docket No. 59538 (71970)

PATENT

21909 U.S. PTO  
10/620709  
07/15/03

Preliminary Classification:  
Proposed Class:  
Subclass:

NOTE: "All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand corner of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129.'" M.P.E.P. Section 601, 7th ed.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

### NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): **Song-Bae KIM, Byung-Zun AHN, Yong KIM**

**CERTIFICATION UNDER 37 C.F.R. 1.10\***  
(Express Mail label number is *mandatory*.)  
(Express Mail certification is *optional*.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date **July 15, 2003**, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number **EV343733148US** addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Susan M. Dillon  
(type or print name of person mailing paper)

Susan M. Dillon  
Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" *must* have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442

**WARNING:** 37 C.F.R. Section 1.41(a)(1) points out:

*"(a) A patent is applied for in the name or names of the actual inventor or inventors.*

*(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by Section 1.63, except as provided for in Section 1.53(d)(4) and Section 1.63(d). If an oath or declaration as prescribed by Section 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to Section 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in Section 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."*

For (title): **USE OF HEDERAGENIN 3-O- $\alpha$ -L-RHAMNOPYRANOSYL(1 $\rightarrow$ 2)-[ $\beta$ -D-GLUCOPYRANOSYL(1 $\rightarrow$ 4)]- $\alpha$ -L-ARABINOPYRANOSIDE OR AN EXTRACT FROM PULSATILLAE RADIX CONTAINING THE SAME AS A THERAPEUTIC AGENT FOR SOLID TUMORS**

## 1. Type of Application

This new application is for a(n)

*(check one applicable item below)*

- ☒ Original (nonprovisional)
- ☐ Design
- ☐ Plant

**WARNING:** *Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. 371(c)(4), unless the International Application is being filed as a divisional, continuation or continuation-in-part application.*

**WARNING:** *Do not use this transmittal for the filing of a provisional application.*

**NOTE:** *If one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.*

- ☐ Divisional.
- ☐ Continuation.
- ☐ Continuation-in-part (C-I-P).

## 2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)

**NOTE:** *A nonprovisional application may claim an invention disclosed in one or more prior filed copending nonprovisional applications or copending international applications designating the United States of America. In order for a nonprovisional application to claim the benefit of a prior filed copending nonprovisional application or copending international application designating the United States of America, each prior application must name as an inventor at least one inventor named in the later filed nonprovisional application and disclose the named inventor's invention*

claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. Section 112. Each prior application must also be:

(i) An international application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America; or

(ii) Complete as set forth in Section 1.51(b); or

(iii) Entitled to a filing date as set forth in Section 1.53(b) or Section 1.53(d) and include the basic filing fee set forth in Section 1.16; or

(iv) Entitled to a filing date as set forth in Section 1.53(b) and have paid therein the processing and retention fee set forth in Section 1.21(l) within the time period set forth in Section 1.53(f).

37 C.F.R. Section 1.78(a)(1).

**NOTE** If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED**.

**WARNING:** If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. 120, 121 or 365(c). (35 U.S.C. 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

**WARNING:** When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional application **must** be filed prior to the Saturday, Sunday, or Federal holiday within the District of Columbia. See 37 C.F.R. Section 1.78(a)(3).

[ ] The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED**.

### 3. Papers Enclosed

#### A. Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application

|           |                        |
|-----------|------------------------|
| <u>17</u> | Pages of Specification |
| <u>2</u>  | Pages of Claims        |
| <u>2</u>  | Sheets of Drawing      |

**WARNING:** *DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to Section 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. For comments on proposed then-new 37 C.F.R. 1.84, see Notice of March 9, 1988. (1990 O.G. 57-62).*

**NOTE:** *"Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page. . ." 37 C.F.R. Section 1.84(c)).*

*(complete the following, if applicable)*

☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).

☒ Formal  
☐ Informal

**B. Other Papers Enclosed**

  4   Pages of declaration and power of attorney  
  1   Pages of Abstract  
      Other

**4. Additional Papers Enclosed**

- ☐ Amendment to claims
- ☐ Cancel in this applications claims \_\_\_\_\_ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement (37 C.F.R. Section 1.98)
- ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☒ Other: Change of Address Form

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Song-Bae KIM, Byung-Zun AHN, Yong KIM

U.S.S.N.: Not Yet Assigned  
[Express Mail Label No. EV343733148US]

FILED: Herewith

FOR: USE OF HEDERAGENIN 3-O- $\alpha$ -L-RHAMNOPYRANOSYL(1 $\rightarrow$ 2)-[ $\beta$ -D-GLUCOPYRANOSYL(1 $\rightarrow$ 4)]- $\alpha$ -L-ARABINOPYRANOSIDE OR AN  
AS A THERAPEUTIC AGENT FOR SOLID TUMORS

Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313

CHANGE OF ATTORNEY'S ADDRESS IN APPLICATION

**NOTE:** Section 601.03 (Change of Correspondence Address), M.P.E.P., 7th Edition states:

*"Where an attorney or agent of record (or applicant, if he or she is prosecuting the application pro se) changes his or her correspondence address, he or she is responsible for promptly notifying the Patent and Trademark Office of the new correspondence address (including ZIP code number). The notification should also include his or her telephone number. A change of correspondence address may not be signed by an attorney or agent not of record (see MPEP Section 405).*

*"Unless the correspondence address is designated as the address associated with a Customer Number, a separate notification must be filed in each application for which a person is intended to receive communications from the Office. See MPEP Section 403 for Customer Number Practice. In those instances where a change in the correspondence address of a registered attorney or agent is necessary in a plurality of applications, the notification filed in each*

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CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. Section 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

[X] deposited with the United States Postal Service on this date **July 15, 2003**, as "Express Mail Post Office to Addressee," Mailing Label Number **EV343733148US**, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

FACSIMILE

[ ] transmitted by facsimile to the Patent and Trademark Office ( ) \_\_\_\_\_.



Signature

Susan M. Dillon

(type or print name of person certifying)

(Change of Attorney's Address in Application--page 1 of 2)

address of a registered attorney or agent is necessary in a plurality of applications, the notification filed in each application may be a reproduction of a properly executed, original notification. The original notice may either be sent to the Office of Enrollment and Discipline as notification to the Attorney's Roster of the change of address, or may be filed in one of the applications affected, provided that the notice includes an authorization for the public to inspect and copy the original notice in the event one of the applications containing a copy matures into a patent and the application containing the original paper is either pending or has become abandoned. Alternatively, the paper containing the original signature may be retained by applicant. See MPEP Section 502.02. The copies submitted in each affected application must identify where the original paper is located.

"Special care should be taken in continuation or divisional applications to ensure that any change of correspondence address in a prior application is reflected in the continuation or divisional application. For example, where a copy of the oath or declaration from the prior application is submitted for a continuation or divisional application filed under 37 CFR 1.53(b) and the copy of the oath or declaration from the prior application designates an old correspondence address, the Office may not recognize, in the continuation or divisional application, the change of correspondence address made during the prosecution of the prior application. Applicant is required to identify the change of correspondence address in the continuation or divisional application to ensure that communications from the Office are mailed to the current correspondence address. 37 CFR 1.63(d)(4).

"See MPEP Section 711.03(c) for treatment of petitions to revive applications abandoned as a consequence of failure to timely receive an Office action addressed to the old correspondence address.

"The required notification of change of correspondence address need take no particular form. However, it should be provided in a manner calling attention to the fact that a change of address is being made. Thus, the mere inclusion, in a paper being filed for another purpose, of an address which is different from the previously provided correspondence address, without mention of the fact that an address change is being made would not ordinarily be recognized or deemed as instructions to change the correspondence address on the file record."

Please send all correspondence for this application as follows:

Peter F. Corless  
EDWARDS & ANGELL, LLP  
P.O. Box 9169  
Boston, MA 02209

Please direct telephone calls to:

Peter F. Corless  
Tel: (617) 439-4444  
Fax: (617) 439-4170

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

Reg. No. 38,256

Christine C. O'Day  
\_\_\_\_\_  
(type or print name of practitioner)

Tel. No. (617) 439-4444

Edwards & Angell, LLP  
P.O. Box 9169  
\_\_\_\_\_  
P.O. Address

Customer No. 21874

Boston, Massachusetts 02209  
\_\_\_\_\_